

Interrogation Record

Interrogation under 2018 United States Assistance Trade Secrets Case No. 1, at 2:12 PM on January 29, 2019, in Investigation Room No. 14, Taiwan Taichung District Prosecutors Office, personnel in attendance as follows:

Prosecutor: CHEN Liwei Clerk: CHEN Yiching

Those present as follows: Defense Counsel: Attorney present

Roll Call: Present

Prosecutor requested the name, age, address, and National Identification Number

Witness response:

CHEN Shiyao

Male 47 years of age

National Identification Number:

Established Registration:

Contact Telephone Number:

Prosecutor stated the obligations of an affidavit and the penalty for perjury.

Prosecutor advised as to the provisions of Article 180, Section 1, and Article 181 of the Code of Criminal Procedure.

Article 180, Section 1, of the Code of Criminal Procedure stipulates that: "A witness may refuse to testify under one of the following circumstances: (1) Currently or formerly being the spouse, lineal blood relative, collateral blood relative within the third degree of kinship, relative by marriage within the second degree of kinship, head of household, or dependent of the defendant or private prosecutor. (2) Being betrothed to the defendant or private prosecutor. (3) Currently or formerly being the statutory agent of the defendant or private prosecutor, or where the defendant or private prosecutor currently or formerly served as one's statutory agent."

Article 181 of the Code of Criminal Procedure stipulates that: "The witness may refuse to testify if the testimony may subject himself or a person having a relationship to him as in Section 1 of the preceding article to criminal prosecution or punishment."

Question: Your educational background?

Answer: Successful Bachelor of Physics at university.

Question: Where do you currently work? How long have you worked there?

Answer: Fujian Jinhua Integrated Circuit Co., Ltd. (referred to below as Jinhua Co.), serving as department manager of the Diffusion Engineering Department, since starting in the position on February 7, 2017, under the Western calendar until the present; the Diffusion Engineering Department is a production unit in the factory, and the main job contents are being responsible for machine availability within the department, and carrying out repairs and maintenance for the machines.

Question: Before you went to work at Jinhua Co., where were you working?

[2018 United States Assistance\_000001\_1080129141303]  
Taiwan Taichung District Prosecutors Office

Answer: Taiwan Micron Inc., I started in the position during the time of the predecessor to Taiwan Micron Inc., Rexchip Corp., and I left the position on January 3, 2017, under the Western calendar; my job title at Taiwan Micron Inc. was department manager of the Diffusion Engineering Department, and the job contents were also to be responsible for repairs and maintenance of machines in the department; in addition, at Taiwan Micron Inc., I also served as department manager for PIR and WET, and in these two departments, I also did equipment repairs and maintenance.

Question: By what channels did you take the position at Jinhua Co.?

Answer: In August 2016 under the Western calendar, I started wanting to look for a job, because I wasn't happy working at Taiwan Micron Inc., at the time I had had an operation and was in poor health, I recuperated for 1 or 2 months, and during that time, my supervisor at Taiwan Micron Inc. did not show any concern for me, so I started looking for a job; I inquired whether there were opportunities to apply for a position on the outside through many friends and manufacturers, and there happened to be someone who said to me that my previous boss CHEN Chengkun was getting ready to establish a factory on the Mainland, they told me to see whether I wanted to try it out, and they also helped me ask for the telephone number of CHEN Chengkun and his executive assistant KUO Peishan, so I made contact with them directly; KUO Peishan told me to send my resume to her, and KUO Peishan also helped me arrange an interview with CHEN Chengkun; in late 2016 I went to the Southern Taiwan Science Park of United Microelectronics Corporation to hold the interview, and during the interview, CHEN Chengkun certainly didn't make promises about my job, I just told CHEN Chengkun that if there's an opportunity, I can come over to help you, I don't care about a job. CHEN Chengkun also didn't mention my salary on taking a position at the new company, and during the interview it was just me and CHEN Chengkun present; later I again directly asked KUO Peishan, and she told me to wait for news, and after I left Micron Inc., around January 2017, KUO Peishan sent a letter of appointment at Jinhua Co. to me, and in the letter of appointment it was recorded that I would serve as department manager of the Diffusion Engineering Department at Jinhua Co..

Question: Before you went to take the position at Jinhua Co., apart from CHEN Chengkun, were you acquainted with other employees at Jinhua Co.?

Answer: I was only acquainted with CHEN Chengkun and KUO Peishan.

Question: Please explain the organizational structure of your Diffusion Engineering Department at Jinhua Co.?

Answer: Two "sub-offices" are established under the department I belong to, and they also each have sub-office managers installed; the organization above the department I belong to is the Process Engineering Division, the division head is YING Tsunghua, who is my direct superior.

Question: Are you familiar with the situation of the DRAM developed by United Microelectronics Corporation between 2015 and 2017 under the Western calendar?

Answer: Not sure.

Taiwan Taichung District Prosecutors Office

Question: Where is the headquarters of Jinhua Co. established?

Answer: In the Science Park of Jinjiang City, Quanzhou, Fujian Province.

Question: Do you know about the financiers of Jinhua Co.?

Answer: I'm not sure.

Question: Is Jinhua Co. a private company, or a company invested in by the government of the China region?

Answer: Not sure.

Question: What products does Jinhua Co. currently produce?

Answer: In the department I belong to, the machines were only just now assembled, currently it falls under the testing phase, and currently it is not producing products.

Question: Does Jinhua Co. itself have the technology to manufacture dram?

Answer: I know that Jinhua Co.'s technology was developed by United Microelectronics Corporation.

Question: It is understood that United Microelectronics Corporation and Jinhua Co. have signed a technology contract agreement, are you aware of it?

Answer: Not sure.

Question: What do you know about the F32 Nanometer Design Services Agreement (F32nm Design Services Agreement) signed between United Microelectronics Corporation, UMI Company and Jinhua Co.? What do you know about the DRAM design and technology as stipulated in said agreement?

Answer: Not sure.

Question: What is F32 nanometer DRAM technology?

Answer: Don't know.

Question: As far as you know, has the DRAM technology developed by United Microelectronics Corporation on behalf of Jinhua Co. already been transferred to Jinhua Co.?

Answer: Don't know.

Question: Do you know the meaning represented by F32 and F32S?

Answer: I'm not sure.

Question: Which person at United Microelectronics Corporation is responsible for making contact to transfer the technology to Jinhua Co. (Who was the point of contact at UMC responsible for transferring the technology to Fujian Jinhua?)

Answer: I am responsible for the production personnel, I'm not familiar with this part.

Question: After United Microelectronics Corporation developed the DRAM technology on behalf of Jinhua Co., do you know under whose possession it fell?

Taiwan Taichung District Prosecutors Office

Answer: I don't know.

Question: The current business relationship between Jinhua Co. and United Microelectronics Corporation?

Answer: Right now, there shouldn't be any relationship, I'm not sure about the detailed circumstances, since the United States implemented the embargo, the relationship between the two companies has been broken off.

Question: Is Jinhua Co. continuing to develop DRAM technology?

Answer: I don't know.

Question: What is the situation of DRAM development at United Microelectronics?

Answer: I don't know.

Question: What knowledge do you have of the background and experience of United Microelectronics Corporation with respect to DRAM development?

Answer: I'm not sure.

Question: What knowledge do you have of where and how United Microelectronics Corporation obtained DRAM technology?

Answer: Not sure.

Question: What knowledge do you have of the fact that employees of United Microelectronics Corporation used or made reference to the information of Micron Inc. in the work of developing DRAM technology?

Answer: I'm not sure.

Question: Do you have anything else to add?

Answer: No.

Question: The contents of the prosecutor's interrogation today are classified as confidential contents, and cannot be publicly divulged, are you aware?

Answer: Clear.

Notice was given of invitation to return.

2:45 PM, January 29, 2019

This record has been reviewed as error-free, and is signed below:

Subject of Interrogation: [Signature: CHEN Shiyan]

Clerk: [Signature: CHEN Yiching]

Taiwan Taichung District Prosecutors Office

Prosecutor: [Signature: Chen Liwei]

Taiwan Taichung District Prosecutors Office

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Witness Oath (Before Interrogation)

I appear now in this office as a witness in 2018 United States Assistance Trade Secrets Case No. 1, Defendant: Not Stated, and shall give testimony in accordance with the facts, without concealment, qualification, addition or diminishment.

Witness: [Signature: CHEN Shiyan]

January 29, 2019

1. The witness shall be asked to read this oath aloud. For those who cannot read it aloud, the clerk shall read it aloud, and shall explain its significance, if necessary.
2. Article 168 of the Criminal Code stipulates that: A witness, expert witness, or interpreter who, during a trial before a government office discharging judicial functions or during interrogation before a prosecutor, who makes a false statement on a matter material to the case, before or after providing an affidavit, shall be sentenced to a fixed term of imprisonment for not more than seven years.
3. Article 180 of the Code of Criminal Procedure stipulates that: A witness may refuse to testify under one of the following circumstances:
  - (1) Currently or formerly being the spouse, lineal blood relative, collateral blood relative within the third degree of kinship, relative by marriage within the second degree of kinship, head of household, or dependent of the defendant or private prosecutor.
  - (2) Being betrothed to the defendant or private prosecutor.
  - (3) Currently or formerly being the statutory agent of the defendant or private prosecutor, or where the defendant or private prosecutor currently or formerly served as one's statutory agent.One who has a relationship as in the preceding section with one or more individuals among the joint defendant or private prosecutors may not refuse to testify where serving as a witness on matters relating only to other joint defendant or other joint private prosecutors.
4. Article 181 of the Code of Criminal Procedure stipulates that: The witness may refuse to testify if the testimony may subject himself or a person having a relationship to him as in Section 1 of the preceding article to criminal prosecution or punishment.
5. Article 183 of the Code of Criminal Procedure stipulates that: A witness who refuses to testify shall clearly state the reasons for the refusal. However, under the circumstances in Article 181, [he or she] shall be ordered to make an affidavit in lieu of giving a clear

Note: For those providing an affidavit in advance, the words "have" and "did not" shall be deleted; for those subsequently providing an affidavit, the words "shall" and "without" shall be deleted.

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